

EXHIBIT 27

Daniel L. Clarke-Pearson, M.D.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

-----X

IN RE: JOHNSON & JOHNSON

TALCUM POWDER PRODUCTS

MDL No.:

MARKETING, SALES PRACTICES,

16-2738 (FLW) (LHG)

AND PRODUCTS LIABILITY

LITIGATION

-----X

ORAL AND VIDEOTAPED DEPOSITION OF

DANIEL L. CLARKE-PEARSON, M.D.

MONDAY, FEBRUARY 4, 2019

9:03 A.M.

Taken by the Defendants
at The Carolina Inn
211 Pittsboro Street
Chapel Hill, North Carolina 27516

- - -

Reported by Sophie Brock, RPR, RMR, RDR, CRR

- - -

GOLKOW LITIGATION SERVICES
877.370.3377 ph | 917.591.5672 fax
deps@golkow.com

Daniel L. Clarke-Pearson, M.D.

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1 A P P E A R A N C E S			1 INDEX OF EXAMINATIONS		
2 ON BEHALF OF THE PLAINTIFFS:			2 PAGE		
3 BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C. 218 Commerce Street Montgomery, Alabama 36104 Telephone: (334) 269-2343 By: LEIGH O'DELL, ESQ. leigh.odell@beasleyallen.com MARGARET THOMPSON, MD, JD, MPAff margaret.thompson@beasleyallen.com			3 BY MR. ZELLERS 9, 345		
4 - and - 5 BLOOD, HURST & O'REARDON, LLP 501 West Broadway, Suite 1490 San Diego, California 92101 Telephone: (619) 338-1100 By: PAULA R. BROWN, ESQ. pbrown@bholaw.com			4 BY MS. BOCKUS 308, 345		
6			5 BY MR. MIZAGALA 341		
7			6 BY MS. O'DELL 343		
8			7		
9			8 INDEX OF EXHIBITS		
10			9 NUMBER DESCRIPTION MARKED		
11			10 Exhibit 1 Notice of Deposition of 11 Daniel L. Clarke-Pearson		
12			11 Exhibit 2 Invoice from UNC School of 16 Medicine to Beasley Allen Law Firm, dated January 4, 2019		
13			12		
14			13 Exhibit 3 Dr. Clarke-Pearson's list of 26 medicolegal cases in the past five years		
15			14 Exhibit 4 Exhibit C: 26 Daniel Clarke-Pearson, MD, Prior Testimony		
16			15		
17			16 Exhibit 5 Rule 26 Expert Report of 30 Daniel L. Clarke-Pearson, MD		
18			17 Exhibit 6 Exhibit B: Listing of additional 33 materials considered		
19			18		
20			19 Exhibit 7 Article titled "Epidemiology of 36 Commonly Used Statistical Terms and Analysis of Clinical		
21			20 Studies," by Wendy R. Brewster, MD, PhD		
22			21 Exhibit 8 UpToDate reprint of article 36 titled "Evidence-based medicine," authored by Arthur T. Evans, MD, MPH, and Gregory Mints, MD, FACP		
23			22		
24			23		
25			24		
1 A P P E A R A N C E S (Continued)			25		
2 ON BEHALF OF THE DEFENDANT			Page 3		
3 IMERYS TALC AMERICA, INC.:			Page 5		
4			1 INDEX OF EXHIBITS (Continued)		
5			2 NUMBER DESCRIPTION MARKED		
6			3 Exhibit 9 Article titled "Emerging Themes 36 in Epidemiology," by Fedak et al.		
7			4		
8			5 Exhibit 10 Folder marked "ASBESTOS OV CA" 37		
9			6 Exhibit 11 Folder marked "EPI" 47		
10			7 Exhibit 12 Folder titled "ANIMALS" 49		
11			8 Exhibit 13 Folder titled "LATENCY" 51		
12			9 Exhibit 14 Folder titled "ASBESTOS FIBROUS 53 TALK LONGO, ETC"		
13			10 Exhibit 15 Exhibit A: Curriculum Vitae of 54 Daniel Lyle Clarke-Pearson, M.D.		
14			11 Exhibit 16 Article titled "Spectrum of 99 Mutation and Frequency of Allelic Deletion of the p53 Gene in Ovarian Cancer," by Matthew F. Kohler, et al.		
15			12 Exhibit 17 Article titled "Screening for 102 Ovarian Cancer," published by Daniel L. Clarke-Pearson, M.D., in The New England Journal of Medicine		
16			13 Exhibit 18 Article from the National 110 Cancer Institute website titled "Ovarian, Fallopian Tube, and Primary Peritoneal Cancer Prevention (PDQ®) - Health Professional Version"		
17			14 Exhibit 19 Letter from FDA Department of 113 Health and Human Services, dated April 1, 2014, to Samuel S. Epstein, M.D.		
18			15 Exhibit 20 International Agency for 124 Research on Cancer printout listing agents classified by the IARC Monographs, Volumes 1-123		
19			16		
20			17		
21			18		
22			19		
23			20		
24			21		
25			22		
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2 (Pages 2 to 5)

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1 INDEX OF EXHIBITS (Continued)			1 PROCEEDINGS		
2 NUMBER DESCRIPTION MARKED			2 THE VIDEOGRAPHER: We are now on		
3 Exhibit 21 Article titled "Perineal Use of . . . 136			3 record. Today's date is February 4, 2019, and the		
4 Talc and Risk of Ovarian Cancer,"			4 time is approximately 9:03 a.m.		
5 by H. Langseth, et al.			5 This is the videotaped deposition of		
6 Exhibit 22 Article titled "Genital Use of . . . 152			6 Dr. Daniel Clarke-Pearson. It's being taken in		
7 Talc and Risk of Ovarian Cancer:			7 regards to the Talcum Powder Litigation, MDL No. 2738.		
8 A Meta-Analysis," by Wera Berge,			8 Would counsel please now introduce		
9 et al.			9 themselves for the record, and then our court reporter		
10 Exhibit 23 Ovid SP printout of article . . . 152			10 will swear in the witness.		
11 titled "Genital Use of Talc and			11 MS. O'DELL: Leigh O'Dell from		
12 Risk of Ovarian Cancer: A			12 Beasley Allen, on behalf of the plaintiffs.		
13 Meta-Analysis," by Wera Berge,			13 MS. THOMPSON: Margaret Thompson,		
14 et al.			14 Beasley Allen, on behalf of the plaintiffs.		
15 Exhibit 24 Article titled "Perineal Talc . . . 153			15 MS. BROWN: Paula Brown from Blood,		
16 Use and Ovarian Cancer A			16 Hurst & O'Reardon, on behalf of the plaintiffs.		
17 Systematic Review and			17 MR. ZELLERS: Michael Zellers, on		
18 Meta-Analysis," by Ross			18 behalf of the Johnson & Johnson defendants.		
19 Penninkilampi and Guy D. Eslick			19 MS. BRENNAN: Jessica Brennan, on		
20 Exhibit 25 Article titled "Association . . . 159			20 behalf of the Johnson & Johnson defendants.		
21 between Body Powder Use and			21 MR. BILLINGS-KANG: James		
22 Ovarian Cancer: The African			22 Billings-Kang, Seyfarth Shaw, on behalf of Personal		
23 American Cancer Epidemiology			23 Care Products Council.		
24 Study (AA CES)," by Joellen M.			24 MS. BOCKUS: Jane Bockus, on behalf of		
25 Schildkraut, et al.			25 Imerys.		
Page 7			Page 9		
1 INDEX OF EXHIBITS (Continued)			1 MS. MESEHA: Maryam Meseha, on behalf		
2 NUMBER DESCRIPTION MARKED			2 of Imerys.		
3 Exhibit 28 Article titled "Talcum Powder, . . . 238			3 MR. MIZGALA: James Mizgala, on behalf		
4 Chronic Pelvic Inflammation and			4 of PTI.		
5 NSAIDs in Relation to Risk of			5 Whereupon,		
6 Epithelial Ovarian Cancer," by			6 DANIEL L. CLARKE-PEARSON, MD,		
7 Melissa A. Merritt, et al.			7 having first been duly sworn/affirmed,		
8 Exhibit 29 Health Canada Decision-Making . . . 292			8 was examined and testified as follows:		
9 Framework for Identifying,			9 EXAMINATION BY COUNSEL FOR THE		
10 Assessing, and Managing Health			10 JOHNSON & JOHNSON DEFENDANTS		
11 Risks, dated August 1, 2000			11 BY MR. ZELLERS:		
12 Exhibit 30 Systematic Review and . . . 300			12 Q. Can you state your name, please.		
13 Meta-Analysis of the Association			13 A. Yes. Daniel Lyle Clarke-Pearson.		
14 between Perineal Use of Talc and			14 Q. Dr. Clarke-Pearson, we're here to take your		
15 Risk of Ovarian Cancer, by			15 deposition in the talcum powder MDL litigation.		
16 Mohamed Kadry Taher, et al.			16 You're aware of that?		
17			17 A. Yes, sir.		
18			18 Q. You've given a number of depositions in the		
19 past; is that right?			19 A. I have.		
20			20 Q. You are familiar with the rules that we're		
21			21 going to follow here today?		
22			22 A. Yes.		
23			23 Q. If I ask you a question or if any counsel		
24			24 asks you a question that you don't understand, tell us		
25					

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<p>1 BY MR. ZELLERS:</p> <p>2 Q. I take it that's no to my question. Is that</p> <p>3 right? And I'll ask it again if you'd like me to.</p> <p>4 MS. O'DELL: Object to the form.</p> <p>5 I think he answered your question.</p> <p>6 THE WITNESS: I'm not aware that it's a</p> <p>7 strong association or a weak association. It's a</p> <p>8 statistically significant association.</p> <p>9 BY MR. ZELLERS:</p> <p>10 Q. You cannot point me to any peer-reviewed</p> <p>11 literature on talc and ovarian cancer that states that</p> <p>12 1.3 is a strong association; correct?</p> <p>13 MS. O'DELL: Object to the form. Asked</p> <p>14 and answered.</p> <p>15 THE WITNESS: That's correct.</p> <p>16 BY MR. ZELLERS:</p> <p>17 Q. IARC does not refer to this as a strong</p> <p>18 association; correct?</p> <p>19 A. I'm not familiar with what IARC says.</p> <p>20 Q. FDA does not refer to this as a strong</p> <p>21 association; correct?</p> <p>22 A. I'm not aware.</p> <p>23 Q. The National Cancer Institute does not refer</p> <p>24 to this as a strong association; correct?</p> <p>25 A. I'm not aware what they said about strong or</p>	<p>1 MS. O'DELL: Object to the form.</p> <p>2 THE WITNESS: I'm not sure that</p> <p>3 question --</p> <p>4 BY MR. ZELLERS:</p> <p>5 Q. I thought it was a good question. I can try</p> <p>6 to do it again, but, did you not understand that</p> <p>7 question?</p> <p>8 A. I think what you're trying to get at is does</p> <p>9 talcum powder have equal carcinogenic effect resulting</p> <p>10 in different types of epithelial ovarian cancers?</p> <p>11 Q. Yes.</p> <p>12 A. Okay. So different types of epithelial</p> <p>13 ovarian cancers are separated into several -- and we</p> <p>14 believe there are several different mechanisms that</p> <p>15 cause them. So in the past, they've been lumped into</p> <p>16 epithelial ovarian cancers; but, in fact, the biology</p> <p>17 of mucinous tumors -- cancers -- are different than</p> <p>18 serous cancers.</p> <p>19 Based on the epidemiologic evidence that</p> <p>20 I've seen, there is a preponderance of impact on women</p> <p>21 that have serous carcinomas of the ovary, which is the</p> <p>22 most common ovarian cancer; and because it is the most</p> <p>23 common, it's more likely we're going to see a</p> <p>24 statistical association as opposed to a rarer cancer</p> <p>25 like a mucinous cancer.</p>
<p style="text-align: center;">Page 131</p> <p>1 weak.</p> <p>2 Q. Do your opinions on causation and strength of</p> <p>3 association apply equally to all forms of ovarian</p> <p>4 cancer?</p> <p>5 A. No.</p> <p>6 Q. Are you able to break down your opinion with</p> <p>7 respect to ovarian cancer?</p> <p>8 A. Yeah. So there are three types of ovarian</p> <p>9 cancer: germ cell, sex cord-stromal, and epithelial</p> <p>10 ovarian cancers. I have no evidence that sex</p> <p>11 cord-stromal tumors or germ cell tumors are associated</p> <p>12 with the use of talcum powder, although they are rare</p> <p>13 cancers, so it would take much larger populations to</p> <p>14 really fully investigate that issue.</p> <p>15 Q. Do you -- strike that.</p> <p>16 Does your opinion on strength of association</p> <p>17 and causation apply equally to all forms of epithelial</p> <p>18 ovarian cancer?</p> <p>19 A. Reading the literature, it appears that there</p> <p>20 is some variation in terms of impact that talcum</p> <p>21 powder might have on some forms of ovarian cancer.</p> <p>22 Q. Tell us what your opinions with the different</p> <p>23 subtypes of epithelial ovarian cancer and whether or</p> <p>24 not they are either a risk factor or a causative</p> <p>25 factor for ovarian cancer.</p>	<p style="text-align: center;">Page 133</p> <p>1 So that is my answer to your question.</p> <p>2 Q. Do your opinions as to talcum powder used in</p> <p>3 the perineal area being a risk factor and/or a</p> <p>4 causative factor for serous ovarian cancer also apply</p> <p>5 to mucinous ovarian cancer?</p> <p>6 A. I think the association is weaker for</p> <p>7 mucinous.</p> <p>8 Q. How about for endometrioid?</p> <p>9 A. I think some studies have suggested</p> <p>10 endometrioid is increased risk with talcum powder.</p> <p>11 Q. Is it weaker?</p> <p>12 A. Is it weaker?</p> <p>13 Q. Than serous.</p> <p>14 A. Than serous? I'm not certain of that.</p> <p>15 Q. Clear cell, is it weaker than serous?</p> <p>16 A. I'm not certain of that because clear cell is</p> <p>17 a very rare cancer.</p> <p>18 Q. On page 8 of your report, you say that</p> <p>19 (as read):</p> <p>20 "The strength of association</p> <p>21 between talcum powder and ovarian</p> <p>22 cancer is critically important</p> <p>23 because of severity and frequency</p> <p>24 of ovarian cancer."</p> <p>25 Is that right?</p>

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<p>1 of having ovarian cancer. I'm not aware of any study 2 that's been able to investigate that to date. 3 BY MS. BOCKUS: 4 Q. That is something that could be investigated; 5 correct? 6 MS. O'DELL: Object to the form. 7 THE WITNESS: In a case-control study, 8 yes. 9 BY MS. BOCKUS: 10 Q. But to your knowledge, it's never been 11 reported; correct? 12 A. Not that I'm aware of. 13 MS. BOCKUS: That's all I have. 14 THE WITNESS: Thank you, everybody. 15 MR. ZELLERS: Thank you, Doctor. 16 THE VIDEOGRAPHER: Just one second. 17 This concludes the deposition of Dr. Daniel 18 Clarke-Pearson. Time going off the record is 19 5:44 p.m. 20 (Whereupon, at 5:44 p.m., the deposition ceased. 21 Signature was reserved.) 22 23 24 25 </p>	<p>Page 346</p> <p>1 E R R A T A 2 CASE NAME: TALCUM POWDER LITIGATION MDL NO. 2738CASE 3 WITNESS NAME: DANIEL L. CLARKE-PEARSON, M.D. 4 CASE NUMBER: 16-2738 (FLW)(LHG) 5 PAGE LINE READS SHOULD READ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>
	<p>Page 347</p> <p>1 ACKNOWLEDGMENT OF DEPONENT 2 I, DANIEL L. CLARKE-PEARSON, M.D., do hereby 3 acknowledge that I have read and examined the foregoing 4 testimony, and the same is a true, correct, and complete 5 transcription of the testimony given by me, and any 6 corrections appear on the attached errata sheet signed 7 by me.</p> <p>8 _____ 9 _____ 10 (DATE) (SIGNATURE) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>1 STATE OF NORTH CAROLINA) 2) C E R T I F I C A T E 3 COUNTY OF ORANGE) 4 I, Sophie Brock, Court Reporter and Notary 5 Public, the officer before whom the foregoing proceeding 6 was conducted, do hereby certify that the witness(es) 7 whose testimony appears in the foregoing proceeding were 8 duly sworn by me; that the testimony of said witness(es) 9 were taken by me to the best of my ability and 10 thereafter transcribed under my supervision; and that 11 the foregoing pages, inclusive, constitute a true and 12 accurate transcription of the testimony of the 13 witness(es). 14 I do further certify that I am neither counsel 15 for, related to, nor employed by any of the parties to 16 this action, and further, that I am not a relative or 17 employee of any attorney or counsel employed by the 18 parties thereof, nor financially or otherwise interested 19 in the outcome of said action. 20 This, the 6th day of February, 2019. 21 22 23 24 Sophie Brock, RPR, RMR, RDR, CRR 25 Notary Number: 200834000001</p>